



Attorney Docket No.: P-3558-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): WHITT, Michael A. et al. Examiner: Maria Marvich

Serial No.: 10/656,894 Group Art Unit: 1642

Filed: September 8, 2003

Title: RECOMBINANT MUTANTS OF RHABDOVIRUS AND METHODS OF USE THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

This Communication is filed in response to the Restriction Requirement dated April 5, 2006 issued by the United States Patent and Trademark Office in connection with the above-identified Application. A response to the April 5, 2006 Office Action is due May 5, 2006. Accordingly, this Amendment is being timely filed.

APPLICANT(S): WHITT, Michael A. et al.
SERIAL NO.: 10/656,894
FILED: September 8, 2003
Page 2

Applicants elect with traverse to prosecute claims 1-18, 30-63, and 75-91 of Group I drawn to a recombinant non-cytopathic Rhabdovirus nucleic acid, genome, and particles comprising a deletion or mutation within the region encoding the matrix protein and/or a mutation in the region encoding the Glycoprotein. Claims 19-29, 64-74, 92-93, 98, 99, 94-97, 100-103, and 104-112 of Groups II-VII are withdrawn at this time.

The Examiner alleged that claims 1, 5, 7, 10, 13, 19, 20, 30, 36, 39, 45, 52, 55, 64, 75, 84 are generic. Applicants disagree.

Applicants elect the following:

- 1) For claims 6, 35, and 82, Applicants elect group (a), methionine substitution.
- 2) For claims 45 and 75, Applicants elect a deletion of nucleotides encoding for the amino acid residues 440-449.
- 3) For claims 7, 36, and 84, Applicants elect therapeutic polypeptides.
- 4) For claims 11, 40, 53, and 86, Applicants elect green fluorescent protein (GFP).

Applicants note that no further elections are necessary as the remaining alleged species cited by the Examiner are related to non-elected groups.

Applicants maintain that groups II, III, IV, V, VI, and VII should not be restricted from group I, as they represent recombinant Rhabdoviruses, processes for producing the same, and methods of use thereof (see MPEP § 821.04(b)). Applicants request a rejoinder upon indication of allowance of the claims of group I by the Examiner.

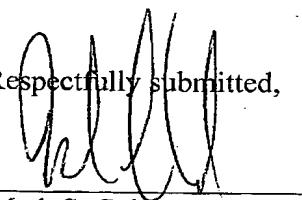
Similarly, Applicants maintain that under 37 CFR 1.141, the species claims should be considered together, and accordingly, Applicants request consideration of all the species in the claims for which species election has been requested.

APPLICANT(S): WHITT, Michael A. et al.
SERIAL NO.: 10/656,894
FILED: September 8, 2003
Page 3

Applicants reserve all rights to file divisional and/or continuation patent applications for non-elected claims 19-29, 64-74, 92-93, 98, 99, 94-97, 100-103, and 104-112.

If the Examiner has any questions or comments as to this response, the undersigned may be contacted at the address and telephone number below.

Respectfully submitted,



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Dated: May 1, 2006

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